

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

LARRY J. ALLEN

PETITIONER

V.

Civil No. 05-5020

LARRY NORRIS, Director,  
Arkansas Department of Correction

RESPONDENT

O R D E R

On this 3rd day of October 2005, there comes on for consideration the report and recommendation filed in this case on September 9, 2005, by the Honorable Beverly Stites Jones, United States Magistrate for the Western District of Arkansas. (Doc. 14.). Petitioner has filed written objections (Doc. 15) and the matter is now ripe for the Court's consideration and action. Accordingly, the Court, being well and sufficiently advised, finds and orders as follows with respect to the same:

1. The Magistrate Judge recommended dismissing Petitioner's 28 U.S.C. § 2254 petition on the grounds that petitioner's claims were barred by the limitations period and procedurally defaulted.

In his written objections (Doc. 15) to the report and recommendation, petitioner essentially argues that he did not know what post-conviction remedies were available to him.

The Court agrees with the Magistrate Judge that petitioner's lack of legal knowledge does not excuse his failure to timely file his petition or his procedural default. See Kreutzer v. Bowersox, 231 F.3d 460, 463 (8<sup>th</sup> Cir. 2000),

cert. denied, 534 U.S. 863 (2001); Smittie v. Lockhart, 843 F.2d 295, 298 (8<sup>th</sup> Cir. 1988). Accordingly, this objection is without merit and will be overruled.

2. The Court has reviewed this case *de novo* and finds that petitioner's remaining objections are also without merit.

It follows that the report and recommendation is proper and should be, and hereby is, adopted in its entirety.

**IT IS, THEREFORE, ORDERED** that Petitioner's 28 U.S.C. § 2254 petition be, and it hereby is, **dismissed with prejudice**.

**IT IS SO ORDERED.**

/S/JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE